

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Maurice Foster,

Civil No. 12-2699 (SRN/JJG)

Petitioner,

v.

ORDER ADOPTING REPORT
AND RECOMMENDATION

Warden J.E. Krueger,

Respondent.

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. Objections to the Report and Recommendation were due to be filed by December 21, 2012. On December 13, 2012, Petitioner filed a document captioned as a Notice of Appeal, appealing the Report and Recommendation. On December 18, 2012, the Notice of Appeal was transmitted to the United States Court of Appeals for the 8th Circuit. On February 28, 2013, a Judgment and Mandate were returned by the United States Court of Appeals for the 8th Circuit, dismissing the case for failure to prosecute. Nothing further has been filed in the case by the Petitioner since that time. Based upon the foregoing and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner's amended application for habeas corpus relief under 28 U.S.C. § 2241, (Docket No. 8), is DENIED;
2. Petitioner's motion for appointment of counsel, (Docket No. 9), is DENIED;
and
3. This action is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 2, 2013

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge